



Entered on Docket
October 04, 2010

A handwritten signature in black ink, appearing to read "Linda B. Riegle", is written over a horizontal line.

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Order Sustaining Third Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based In Whole Or In Part Upon
Investment In The Huntsville Loan aka the
West Hills Park Loan Loan Except As To
Claim 01687 Filed By Edward H. Homfeld,
Managing Member of Homfeld II, LLC**

Date of Hearing: September 23, 2010
Time of Hearing: 10:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Third Omnibus Objection of USACM Trust to
2 Proofs of Claim Based In Whole Or In Part Upon Investment In the Huntsville Loan aka
3 the West Hills Park Loan Loan” [DE 8142] (the “Objection”); the Court having heard the
4 Objection on September 23, 2010; appropriate notice of the Objection having been given;
5 no response to the Objection having been filed; and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 8142] is sustained except as to claim 01687 filed by
8 Edward M. Homfeld, Managing Member of Homfeld II, LLC ;

9 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
10 claims are based upon an investment in the Huntsville Loan aka the West Hills Park Loan
11 Loan for the reasons set forth in the objection.

12 3. The claims listed on **Exhibit A** are not affected by this order to the extent
13 they are based upon an investment in another loan.

14 PREPARED AND RESPECTFULLY SUBMITTED BY:

15 **LEWIS AND ROCA LLP**

16
17 By/s/ John Hinderaker (AZ 18024)

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19 John Hinderaker (*pro hac vice*)
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24 *Attorneys for USACM Liquidating Trust*
25
26

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]
- ☒ This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.
- ☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker
Attorneys for USACM Liquidating Trust

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EXHIBIT A

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Huntsville Loan
10725-01274	Herman and Brian M. and Anthony G. Adams	1341 Cashman Drive Las Vegas, NV 89102	\$2,088,250.00	\$243,250.00
10725-01619	Kenneth Addes	100 West Broadway, Apt 7V Long Beach, NY 11561	\$394,523.01	\$100,000.00
10725-00594	Amberway Equities LLC	14400 Morning Mountain Way Alpharetta, GA 30004-4521	\$100,000.00	\$50,000.00
10725-02063	James D. and Ann R. Dery	Husband & Wife 10 Longmeadow Lane Beachwood, OH 44122	\$2,793,347.72	\$50,000.00
10725-02364	Eric C. Disbrow MD Inc. Profit Sharing Plan	Eric C. Disbrow Ttee 3640 Fairway Drive Cameron Park, CA 95682	\$895,134.00	\$50,000.00
10725-02382	Essaff Family Trust Dtd 6/18/02	Robert and Cindy H. Essaff Ttees 2860 Heybourne Road Minden, NV 89423	\$3,198,368.02	\$100,000.00
10725-00578	M. Evelyn Fisher Revocable Trust Dtd 11/7/05	c/o M. Evelyn Fisher and/or Successor(s) In Trust 208 Avenida Ostion Rio Rico, AZ 85648	\$206,132.75	\$54,310.67
10725-02286	John A. M. Handal	3575 Siskiyou Court Hayward, CA 94542	\$1,422,945.46	\$50,000.00
10725-01687	Homfeld II LLC	2515 North Atlantic Boulevard Fort Lauderdale, FL 33305-1911	\$2,861,221.63	\$108,550.31
10725-02125	Marilyn Johnson Living Trust Dtd 10/5/99	Marilyn Johnson Trustee 1010 Larue Avenue Reno, NV 89509	\$202,800.00	\$50,000.00